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 Dominic J. Gasbarro
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 EXAMINER

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121 S. 8TH STREET
MINNEAPOLIS, MN 55402

DATE MAILED: 09/27/2004

ART UNIT

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicating No. Og/731,746 GASBARRO ET AL.				
Examiner Apus H. Hsu 265 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Extension of time may be available under the provisions of 31 CPR 1.138(a). In no event, however, may a reply be timely filled □ If the period from the southlists where the provisions of 31 CPR 1.138(a). In no event, however, may a reply be timely filled □ If the period for reply as pecified above, the macrimun detabling period will apply and will expire SK (0) MONTHS from the mailing date of this communication. □ If NO period for reply as pecified above, the macrimun databling period will apply and will expire SK (0) MONTHS from the mailing date of this communication. □ If NO period for reply as pecified above, the macrimun databling period will apply and will expire SK (0) MONTHS from the mailing date of this communication, even if timely filled, may reduce any searce patient term adjustment. See 37 CPR 1.704(b). Status 1) □ Responsive to communication(s) filled on 17 January 2001. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2c) □ This action is FINAL. 2c) □ This action is FINAL. 2c) □ Claim(s) ± 24 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5b) □ Claim(s) ± 154 are allowed. 6c) □ Claim(s) ± 154 are allowed. 6c) □ Claim(s) ± 154 are subject to restriction and/or election requirement. Application Papers 9c) □ The specification is objected to by the Examiner. 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(s) filled on ± 154 are: 10c) □ The drawing(Application No.		
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Application/Control Number: 09/731,746

Art Unit: 2665

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, drawn to a host-fabric adapter for establishing connections and supporting data transfers, classified in class 370, subclass 360.
 - II. Claims 21-24, drawn to a method for storing data consisting of multiple widths and multiple occurrences of data widths in a memory, classified in class 710, subclass 33.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed and the subcombination has separate utility such as memory storage device.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 2665

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

Alpus H. Hsu
Primary Examiner
Art Unit 2665